



MONTGOMERY COUNTY ETHICS COMMISSION

Stuart D. Rick
Chair

Kenita V. Barrow
Vice Chair


May 21, 2013
Advisory Opinion 13-03-004

You have inquired whether a corporation or its employee is required to register as a lobbyist by virtue of the corporation's compensating the employee more than \$500 in a year for communicating with a County employee to influence executive or administrative action by a Montgomery County agency. The Commission concludes that the payment of compensation to an employee (or other representative) to influence executive or administrative action does not in and of itself trigger the County's lobbying registration requirements.

Section 19A-21(a) of the Montgomery County Code states that "[a]ny individual or organization must register as a lobbyist under this Article if, during a year, that individual or organization . . . (2) communicates with a public employee to influence executive or administrative action by a County agency, and for that purpose spends a total of more than \$500 for: (A) meals and beverages; (B) transportation; (C) lodging; (D) provision of any service; (E) one or more special events; and (F) one or more gifts." All of the items in paragraph 19A-21(a)(2), including "provision of services" contemplate the conveyance of a benefit to a public employee to obtain executive or administrative action. Employing a person to communicate to influence executive or administrative action does not provide a service or convey a benefit to a County employee and, therefore, does not trigger the lobbying registration requirement.

In contrast, the registration requirements in paragraph 19A-21(a)(1), concerning registration for communications with a public employee to influence legislative action, are triggered by compensatory payments over \$500. In paragraph 19A-21(a)(1), registration is required if an organization or individual either "(A) spends more than \$500; or (B) receives compensation, including a prorated part of a salary or fee for services, totaling more than \$500" to influence legislative action. If the lobbying law was intended to include registration triggers for those paying or receiving pay with respect to communications about executive or administrative action, the law would have expressly provided for that, as it did with respect to the more broadly drawn registration requirement for those involved in communications about legislative action.

For the Commission:


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Montgomery County Ethics Commission

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